



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,744	07/18/2000	Charles E. Hill	10252-0013	9333

25267 7590 07/09/2003

BOSE MCKINNEY & EVANS LLP  
135 N PENNSYLVANIA ST  
SUITE 2700  
INDIANAPOLIS, IN 46204

EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/618,744

Applicant(s)

HILL, CHARLES E.

Examiner

Yogesh C Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 25-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Amendment A, paper # 7, received on October 08, 2002 is acknowledged and entered. None of the claims has been amended. New claims 25-52 are added. Currently claims 1-52 are pending for examination.

### *Response to Arguments*

2. In view of the filing of the terminal disclaimer, paper # 6, the obviousness-type double patenting rejection of claims 1 and 3 in view of US Patent No. 6,131, 088 is withdrawn.

Applicant's arguments see Remarks on pages 8 and 9 of the Response, "... Benson does not disclose or suggest " selecting one of the products.....generating a data request query related to selected product at the remote computer.....and automatically terminating the data link at appropriate times ", filed on October 08, 2002, with respect to the rejection(s) of claim(s) 1-24 under 35 USC 103 (a) as being unpatentable over Benson/Hornbuckle have been fully considered but are not persuasive for following reasons:

Benson/Hornbuckle does teach selecting one of the products at the remote computer (see Benson at least Page 1, lines 20-line 24, "... Typically each remote computer may comprise a microcomputer....and any item of the data bank can be called to the monitor screen by actuation of the keyboard according to conventional principles ", page 3, lines 7-10, ) and generating a data request query related to the selected product at the remote computer as claimed in claim 1 ( see Benson at least, page 2, lines 11-16, "... Each remote computer may also be arranged to generate message for sending automatically via the modem to the electronic mail boxes .....the remote computer may be programmed to generate automatically invitations to tender or the supply of goods or services. These invitations are transmitted to the

Art Unit: 3625

electronic mail boxes ...", page 3, lines 23-30, page 4, line 25-page 5, line 9). Note: Using the keypad 13 makes the selection of item and the actuation of keyboard corresponds to sending a data request query for that item to the electronic mail box which has the updates stored for that item and those updates are transmitted to the remote computer .

Further, Benson/Hornbuckle does teach automatically terminating the data link at appropriate time (see Hornbuckle at least, col.10, lines 27-42, wherein Hornbuckle explicitly teaches that on completion of the downloading of the software host computer 12 commands RCM-remote control module to switch off power to target computer 14 and this will automatically end up in terminating the data link.). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Also see *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971): It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

In view of above the rejection of claims 1-24 is maintained under 35 USC 103 (a) as being unpatentable over Benson/Hornbuckle.

This is a Final Office Action.

***Election by original presentation***

3. Newly submitted claims 25-52 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The new set of claims 25-52 are directed to a method and a system for generating information data related to at least one product on a remote computer which stores constant data related to the at least one product and a remote revision status in a memory of the remote computer, the constant data being a subset of information data related to the at least one product, the remote revision status providing an indication of the last time the constant data stored in the remote computer was updated.

The originally presented claims 1-24 already examined in the earlier Office Action, paper # 4, are directed to a method and system of accessing information related to a product stored on the main computer from a remote computer.

Had the new set of claims 25-52 would have been originally presented they would have been restricted as being directed to an invention that is patentable distinct from the invention of claims 1-24. The new set of claims though not identical, but are not patentably distinct from the claims 1-5, 7-9, 11-12, and 30-34 of U.S. Patent No. 5,528,490.

From the prosecution history of this application and its parent applications which are now US Patents 5,528,490, 5,754,864, 5,761,649, and 6,131, 088 It is noted that the old set of claims 1-24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of US Patent 6,131, 088, and the claims of US Patent 6,131, 088 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of US Patens 5,761,649 and 5,754,864. However, the old set of claims 1-24 along with the claims of US Patents 6,131,088, 5761,649 and 5,754,864 were not found in conflict for double patenting with the claims of US Patent

Art Unit: 3625

5,528,490. This fact, as noted from the prosecution history, also establishes the demarcation between the new set of claims 25-52 and old set of claims 1-24.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1. Claims 1, 3-9, 12, 14-15, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (UK Patent GB 2203571 A) in view of Hornbuckle US Patent 5,388,211).

With regards to claims 1 and 4, Benson teaches a method for accessing information related to a product stored in a main computer from a remote computer (pg.1, lines 1-4, and in FIG.1, combination of administrative center 30 and electronic mail boxes 20 corresponds to main computer and 11 to remote computer. Electronic mail boxes 20 store the variable data received from administrative center 30 for onward transmission to remote computers. Note: The claimed main computer 12 is coupled to other hardware components/system –col.8, lines 10-17-to enable it function to achieve the claimed invention. Similarly electronic mail box 20 is an integral part of the main computer system in Benson ).

Art Unit: 3625

Benson discloses storing product data for a plurality of products in a memory of the main computer (pg.1, lines 1-4, "...provide a data bank information at a central location..") and for at least on product in a memory of the remote computer (pg.1, lines 4-6, "...hold a data bank of information on their own computers....").

Benson's objective is to keep the contents of each user's stored data up-to-date (pg.1, lines 6-9) and keeping this objective in mind Benton anticipates the claimed limitations of selecting one of the products and generating a data request query apropos of that product at the remote computer, automatically establishing a data link and transmitting the data request query to the main computer (pg.3, lines 24-30). Benson's act of using keyboard corresponds to selecting a product (see pg.1, lines 20-24, "...remote computer...with monitor and keyboard...and any item of data bank can be called....") and thereafter the commitment of calling electronic mail box 20 relates to automatically generating a query for the updated data and transmission of this enquiry to main computer (pg. 4, line 25-pg.5, line 28) "...each user's ..... data bank may be employed to generate messages for sending automatically via the modem to the electronic mail boxes....."). Benson further discloses selecting updated product data at the main computer and transmitting the same to the remote computer (pg.3, lines 18-30. In Benson, the updated data in the form of message is stored in the mail box and on receipt of the call i.e., transmission of the query from remote computer to main computer-mail box relates this query and forwards the message containing the updated data to the remote computer).

Benson teaches selecting one of the products at the remote computer (see Benson at least Page 1, lines 20-line 24, "...Typically each remote computer may comprise a microcomputer...and any item of the data bank can be called to the monitor screen by actuation of the keyboard according to conventional principles ", page 3, lines 7-10, ) and generating a data request query related to the selected product at the remote computer as

Art Unit: 3625

claimed in claim 1 ( see Benson at least, page 2, lines 11-16, "... Each remote computer may also be arranged to generate message for sending automatically via the modem to the electronic mail boxes .....the remote computer may be programmed to generate automatically invitations to tender or the supply of goods or services. These invitations are transmitted to the electronic mail boxes ...", page 3, lines 23-30, page 4, line 25-page 5, line 9). Note: Using the keypad 13 makes the selection of item and the actuation of keyboard corresponds to sending a data request query for that item to the electronic mail box which has the updates stored for that item and those updates are transmitted to the remote computer.

Benson fails to disclose automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer. However, Hornbuckle, in the field of accessing and downloading software on remote computers from host computer, teaches automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer (col.10, lines 40-42, "...once the software downloading process is complete, the host computer 12 commands RCM 18 to turn off power to the target computer 14". Hornbuckle does show automatically terminating the data link at appropriate time in col.10, lines 27-42. Here, Hornbuckle explicitly teaches that on completion of the downloading of the software host computer 12 commands RCM-remote control module to switch off power to target computer 14 and this will automatically end up in terminating the data link.). In view of Hornbuckle, It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer in Benson. Obviously, doing so would reduce the traffic and load on remote computer and



Art Unit: 3625

increase the availability of the remote computer to other users. See also the relevant court cases : In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Also see *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971): It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

With regards to apparatus claim 18, all its limitations correspond to the method claim 1 and therefore it is analyzed and rejected similarly.

With regards to claims 3 and 19, Benson & Hornbuckle teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1, above. Benson further discloses the step of transmitting a map from the main computer to the remote computer along with the updated product data to instruct the remote computer in the integration of the updated product data and the product data stored in the memory of the remote computer (pg.3, lines 27-30, "*...any data-alteration messages are then processed automatically to update the data bank.....*"). Note: Benson's disclosure of processing of data-alteration to update the data bank relates to mapping or adapting the alteration to update the data bank at the remote computer.).

Art Unit: 3625

With regards to claims 5-6, 8-9, 12,14-15, 17, 20-21 and 23- 24, Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claims 1 and 18, above. Benson also discloses transmitting product data from main computer to remote computer, replacing portions of product data with updated product data and integrating updated data with the stored in the memory of the remote computer (pg.3, lines 7-30) and this product data can be graphical, textual, constant and variable as suggested by Benson (pg.4, lines 1-7, "*..The nature and contents of the data bank will depend upon the user's field of business or interest....*", and pg.5, lines 10-13, "*...user's data bank in this case comprises a directory of suppliers and may also include information on prices, etc....*". Note: information about prices can be in textual form and vary from time to time, information about suppliers can be in textual form and can be constant, similarly information about products of suppliers can be in both graphical and textual forms and may remain constant or change.).

With regards to claims 7 and 22, Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claims 1 and 18, above. Benson further discloses transmitting display information from the main computer to the remote computer, the display information indicating a format of the textual data and a display location of the graphical data relative to the textual data (pg.4, lines 25-27, "*..Each user's data bank....any item...called to the monitor screen...*". Note: Benson explicitly discloses displaying information from the remote computer and this information is the transmitted information from the main computer. Further, as analyzed in claim 6 above, the information in data bank can be in both graphical and textual forms.

Art Unit: 3625

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson & Hornbuckle and further in view of Carey et al. ("Data Catching Tradeoffs in Client-Server DBMS Architectures", ACM 0-89791-425-2/91/0005/0357, 1991).

With regards to claim 2, Benson & Hornbuckle teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1, above. Benson & Hornbuckle fails to teach the use of SQL in generating a data request query. However, Carey teaches the use of SQL in generating a data request query (pg.1, Para 2, "...*Most commercial relational database management systems .....with SQL queries.....*"). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of using SQL in generating a data request query. Doing so will help in interacting between main computer and remote computer as suggested by Carey ( pg.1, Para 2, "...*Most commercial relational database .....are based on client-server architectures, with SQL queries and their results serving as the basis for client-server interactions*").

6. Claims 10-11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson & Hornbuckle and further in view of Alonso et al., "Data Catching Issues in an Information Retrieval System", ACM Transactions on Database Systems, Vol.15, No.3, September 1990, pgs. 359-384).

With regards to claims 11, 13 and 16 Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1. Benson further discloses updating the data of the remote computer by transmitting the updated data from the main computer (pg.3, lines 7-30) and clearly suggests that the data could be graphical, textual or textual or graphical,

Art Unit: 3625

constant or variable or constant and variable as analyzed in claims 5-6, 8-9, 12, 14-15, 17, 20-21 and 24 above. Benson fails to teach comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data.

However, Alonso teaches comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data (pg.363, Para 3, "*..In this paper we assume.....most up-to-date-version.....users of database browsers based on the idea of portals* ", and pg. 363, Para 4- pg.364, Para 6, "*..All updates take place at the central site.....object is modified, new versions are created .....All users or application programs running at a node share the quasi-cache....an access to object x by a user .....will return the local image x' if it exists....SELECTION CONDITIONS.....*". Note: Users relate to remote computers and central site to main computer in the application. All remote computers get the updated programs from the main computers after comparing the revisions and determining the updated revision. Objects relate to product data). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data. Doing so would ensure users to avail the most recent version of the data and avoid wasting of resources from the use of obsolete data. With regards to claim 11, Benson & Hornbuckle in view of Alonso teaches a method for accessing information related to a product stored in a main computer from a remote computer

Art Unit: 3625

as disclosed and analyzed in claim 10. Benson further discloses replacing portions of the graphical data stored in the memory of the remote computer with the updated graphical data transmitted from the main computer as already disclosed and analyzed in claims 5-6, 8-9, 12,14-15, 17, 20-21 and 24 above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7.1. US Patent 5,155,847 to Kirouac et al. teaches a method and apparatus for updating software at remote computer locations. Kirouac et al. anticipates/renders the claims 1-24 of the instant application. Kirouac et al. teaches a method and a system for accessing information related to a product stored in a main computer from a remote computer, wherein a product is selected at the remote computer, then generating a data request query related to the product and sending to the main computer, automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer (see at least, abstract, col.1, line 53-col.4, line 61, col.5, line 13-col.6, line 30, col.7, lines 10-47, col.8, line 65-col.11, line 7, col.12, lines 17-30, col.13, lines 3-61, Figures 1, 2b, 4a).

7.2. US Patent 5,892,953 to Bhagria et al. teaches to allow a user to service products installed in a data processing system by providing a text as well as a graphical user interface and thereby allowing the user to readily control the products and files to be updated (see at least abstract).

Art Unit: 3625

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

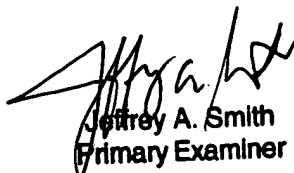
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg  
Examiner  
Art Unit 3625

YCG  
July 2, 2003

  
Jeffrey A. Smith  
Primary Examiner